

REMARKS

The Applicants have carefully considered the official action dated November 25, 2008, and the references cited therein. By way of this response, the Applicants have amended the specification to amend minor typographical errors. In addition, the Applicants have amended claims 1-8, 15-19, and 26 and added new claims 27-32. No new matter has been added. In addition, the Applicants have cancelled claims 13, 14, 24, and 25 without prejudice to their further prosecution. In view of the foregoing amendments and the following remarks, the Applicants respectfully traverse the rejections and submit that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

I. Objection to the Specification

The Applicants respectfully submit that the amendments to the specification have corrected the minor typographical errors objected to in the official action. Accordingly, the Applicants respectfully request withdrawal of the objection to the specification.

II. Independent Claim 1

Independent claim 1 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sibbitt et al. (U.S. 5,065,392) in view of Tartarelli et al. (U.S. 2003/0086413). The Applicants respectfully submit that independent claim 1 is allowable over the combination of Sibbitt et al. and Tartarelli et al. Independent claim 1 is directed to a method that involves, among other things provisioning at least one logical circuit through a first local access and transport area, a second local access and transport area, and an inter-exchange carrier. Independent claim 1 also recites that the at least one logical circuit includes first variable communication paths to route data through the first local access and transport area, second variable communication paths to route the data through the second local access and transport area, and fixed communication paths to route the data between the first local access and transport area, the second local access and transport area, and the inter-exchange carrier. The combination of Sibbitt et al. and Tartarelli et al. does not teach or suggest such a method.

Sibbitt et al. describe a scheduling and reservation system for a network of cross-connect fields. *Sibbitt et al.*, 3:22-25. However, Sibbitt et al. do not describe that the scheduling and reservation system operates to provision a logical circuit through a first local access and transport area (LATA), a second LATA, and an inter-exchange carrier as recited in claim 1. Sibbitt et al. do not mention that their system can provision connections outside of the same LATA or between different LATAs. Therefore, Sibbitt et al. also do not teach or suggest that the at least one logical circuit includes first variable communication paths to route data through the first local access and transport area, second variable communication paths to route the data through the second local access and transport area, and fixed communication paths to route the data between the first local access and transport area, the second local access and transport area, and the inter-exchange carrier. Tartarelli et al. do not overcome these deficiencies. Thus, the Applicants respectfully submit that the combination of Sibbitt et al. and Tartarelli et al. cannot render claim 1 *prima facie* obvious. Accordingly, independent claim 1 and all claims dependent thereon are in condition for allowance.

III. Independent Claim 15

Independent claim 15 was rejected under 35 U.S.C. §103(a) as unpatentable over Sibbitt et al. in view of Tartarelli et al. Independent claim 15 is directed to a system and recites, among other things, provisioning at least one logical circuit through a first local access and transport area, a second local access and transport area, and an inter-exchange carrier, and wherein the at least one logical circuit includes first variable communication paths to route data through the first local access and transport area, second variable communication paths to route the data through the second local access and transport area, and fixed communication paths to route the data between the first local access and transport area, the second local access and transport area, and the inter-exchange carrier. For at least the reasons discussed above in connection with claim 1, the Applicants respectfully submit that the combination of Sibbitt et al. and Tartarelli et al. does not teach or suggest the claimed

system and, thus, cannot render claim 15 *prima facie* obvious. Accordingly, the Applicants respectfully submit that independent claim 15 and all claims dependent thereon are in condition for allowance.

IV. Independent Claim 26

Independent claim 26 was rejected under 35 U.S.C. §103(a) as unpatentable over Sibbitt et al. in view of Tartarelli et al. Independent claim 26 is directed to a method and recites, among other things, provisioning at least one logical circuit through a first local access and transport area, a second local access and transport area, and an inter-exchange carrier, and wherein the at least one logical circuit includes first variable communication paths to route data through the first local access and transport area, second variable communication paths to route the data through the second local access and transport area, and fixed communication paths to route the data between the first local access and transport area, the second local access and transport area, and the inter-exchange carrier. For at least the reasons discussed above in connection with claim 1, the Applicants respectfully submit that the combination of Sibbitt et al. and Tartarelli et al. does not teach or suggest the claimed method and, thus, cannot render claim 26 *prima facie* obvious. Accordingly, the Applicants respectfully submit that independent claim 26 and all claims dependent thereon are in condition for allowance.

V. Conclusion

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is authorized to charge any deficiency in the submitted payment toward payment of any fee due for the filing of this paper to deposit account number 50-2455. In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

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